

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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FREDERICK O SILVER,

Plaintiff,

V.

STEVEN B. WOLFSON, et al.,

Defendants.

Case No. 2:18-cv-01106-JAD-CWH

ORDER

Presently before the court is pro se plaintiff F. *forma pauperis* (ECF No. 1), filed on June 21, 2018.

Also before the court are plaintiff's motions for permission for electronic case filing (ECF Nos. 2, 6), filed on June 21, 2018 and July 6, 2018.

Also before the court are plaintiff's motions for inquiry on the status of his case (ECF Nos. 9, 10), filed on August 29, 2018 and November 8, 2018.

Also before the court is plaintiff's motion to proceed *in forma pauperis* (ECF No. 11), filed on December 12, 2018.

Also before the court is plaintiff's motion to amend the complaint (ECF No. 13), filed on December 12, 2018.

I. *IN FORMA PAUPERIS* APPLICATION

Plaintiff submitted the declaration required by 28 U.S.C. § 1915(a) showing an inability to prepay fees and costs or give security for them on June 21, 2018. (IFP Application (ECF No. 1).) Plaintiff also filed a second motion to proceed *in forma pauperis* that requests the court to grant his initial *in forma pauperis* application. (IFP Application (ECF No. 11).) However, on January 3, 2019, plaintiff filed a subsequent case in which he paid the \$400.00 filing fee. *See Silver v. Wolfson*, 2:19-cv-00032-APG-PAL (ECF No. 1). Given that plaintiff paid the filing fee in a

1 subsequent case, it is unclear to the court whether plaintiff is indigent and unable to prepay the
2 filing in this case. As such, the court therefore denies plaintiff's applications to proceed *in forma*
3 *pauperis* without prejudice. Plaintiff must either file a new and current application to proceed *in*
4 *forma pauperis* or pay the full filing fee for this action.

5 Plaintiff has also filed a motion to amend the complaint. If plaintiff chooses to submit a
6 new *in forma pauperis* application, the amended complaint must be attached. The court will
7 therefore deny plaintiff's motion to amend the complaint without prejudice, pending the
8 resolution of the filing fee matter. The court will also deny plaintiff's motions for permission for
9 electronic case filing without prejudice. Plaintiff may refile a motion for electronic filing once
10 the *in forma pauperis* application and filing fee issue is resolved.

11 **II. MOTIONS FOR INQUIRY**

12 Plaintiff moves the court for the status of his case and the status of the aforementioned
13 case filings. Given that the court resolved plaintiff's various filings, plaintiff's motions for
14 inquiry are granted. Plaintiff is further advised that due to the large number of civil actions
15 pending before the court, the court is unable to respond to individual inquiries regarding case
16 status. Further, the court resolves motions and filings in the order in which they are received.
17 Plaintiff should keep the court apprised of any changes to his address to continue to receive any
18 information regarding his case.

19 **III. CONCLUSION**

20 IT IS THEREFORE ORDERED that plaintiff Frederick O Silver's application to proceed
21 *in forma pauperis* (ECF No. 1) is DENIED without prejudice.

22 IT IS FURTHER ORDERED that plaintiff either submit a new and current application to
23 proceed *in forma pauperis* or pay the \$350.00 filing fee, plus the \$50.00 administrative fee,
24 within 30 days from the date of this order.

25 IT IS FURTHER ORDERED that plaintiff's failure to timely comply with this order will
26 result in a recommendation that this case be dismissed.

27 IT IS FURTHER ORDERED that plaintiff's motions for permission for electronic case
28 filing (ECF Nos. 2, 6) are DENIED without prejudice.

1 IT IS FURTHER ORDERED that plaintiff's motions for inquiry on the status of his case
2 (ECF Nos. 9, 10) are GRANTED.

3 IT IS FURTHER ORDERED that plaintiff's motion to proceed *in forma pauperis* (ECF
4 No. 11) is DENIED without prejudice.

5 IT IS FURTHER ORDERED that plaintiff's motion to amend the complaint (ECF No. 13)
6 is denied without prejudice.

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8 DATED: January 16, 2019

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10 C.W. HOFFMAN, JR.
11 UNITED STATES MAGISTRATE JUDGE
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